

FILED  
CLERK, U.S. DISTRICT COURT

MAY - 5 2003  
2003  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LOUIS SCOTT,

CASE NO. CV 02-9324-SVW(E)

Plaintiff,  
vs.NOTICE OF FILING OF MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND THE LODGING  
OF PROPOSED JUDGMENT AND/OR ORDER

COUNTY OF LOS ANGELES, et al.,

Defendants.

TO: All Parties of Record

Louis Scott  
9540 S. Western Ave., Apt. 4  
Los Angeles, CA 90047

Priority	<input checked="" type="checkbox"/>
Send	<input checked="" type="checkbox"/>
Enter	<input type="checkbox"/>
Closed	<input type="checkbox"/>
JS-5/JS-6	<input type="checkbox"/>
JS-2/JS-3	<input type="checkbox"/>
Scan Only	<input type="checkbox"/>

You are hereby notified that pursuant to the Local Rules Governing Duties of Magistrate Judges, the Magistrate Judge's report and recommendation has been filed and a proposed judgment and/or order has been lodged on May 2, 2003, copies of which are attached.

Any party having objections to the report and recommendation and the proposed judgment and/or order shall, not later than 20 days, file and serve a written statement of objections with points and authorities in support thereof before the Honorable CHARLES F. EICK, U.S. Magistrate Judge.

Failure to so object within the time limit specified shall be deemed a consent to any proposed findings of fact. Upon receipt of objections, or upon the lapse of the time for filing objections, the case will be submitted to the District Judge for disposition. Following entry of judgment and/or order, all motions or other matters in the case will be considered and determined by the District Court Judge.

The Report and Recommendation of a Magistrate Judge is not a final appealable order. A Notice of Appeal pursuant to Federal Rules of Appellate Procedure 4(a)(1) should not be filed until entry of a judgment and/or order by the District Judge.

Dated: May 5, 2003

CLERK, UNITED STATES DISTRICT COURT

By

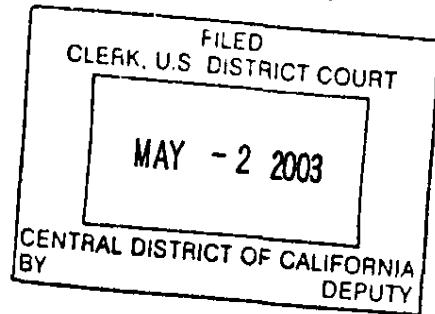
Stacey Pierson  
Deputy Clerk

## Attachments

M-51(6/98) NOTICE OF FILING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND THE LODGING OF PROPOSED JUDGMENT AND/OR ORDER

MAY 6 2003  
LGT  
CV

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LOUIS SCOTT, ) NO. CV 02-9324-SVW(E)  
Plaintiff, )  
v. ) REPORT AND RECOMMENDATION OF  
COUNTY OF LOS ANGELES, et al., ) UNITED STATES MAGISTRATE JUDGE  
Defendants. )  
\_\_\_\_\_  
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18 This Report and Recommendation is submitted to the Honorable  
19 Stephen V. Wilson, United States District Judge, pursuant to 28  
20 U.S.C. § 636 and General Order 01-13 of the United States District  
21 Court for the Central District of California.

22  
23 PROCEEDINGS  
24

25 Plaintiff, pro se and in forma pauperis, filed a "Complaint  
26 for Damages" on December 18, 2002. On December 30, 2002, the  
27 Magistrate Judge ordered that the United States Marshal's Office  
28 serve the summons and complaint upon the Defendants.

1 On or about April 1, 2003, the Marshal's Office informed the  
2 Court that Plaintiff had failed to provide sufficient information or  
3 documentation to enable the Marshal's Office to effect service on the  
4 Defendants. The Magistrate Judge ordered that, within thirty (30)  
5 days of April 1, 2003, Plaintiff show cause, if there be any, why  
6 this action should not be dismissed for failure to prosecute. The  
7 Magistrate Judge's order cautioned that "[f]ailure timely to comply  
8 with this order may be deemed consent to the dismissal of this  
9 action."

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11 Plaintiff did not respond to the Magistrate Judge's order  
12 within the allotted time. Defendants remain unserved.

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#### DISCUSSION

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16 "[A] plaintiff relying upon the U.S. Marshal for service must  
17 provide the necessary information and documents to effectuate  
18 service." Friday v. United States Department of Justice, 1994 WL  
19 48956 \*1 (D. Or. Feb. 7, 1994) (citing Puett v. Blandford, 912 F.2d  
20 270, 275 (9th Cir. 1990)). In the present case, the Court ordered  
21 service by the Marshal, but Plaintiff has failed to provide the  
22 Marshal with the necessary information and documentation to  
23 effectuate service. Plaintiff has not accomplished service himself.  
24 Plaintiff did not respond to the Magistrate Judge's order within the  
25 allotted time. Consequently, this action should be dismissed without  
26 prejudice. Id.; see also Link v. Wabash R.R., 370 U.S. 626, 629-30  
27 (1962) (court has inherent power to achieve the orderly and  
28 expeditious disposition of cases by dismissing actions for failure to

1 prosecute); cf. Fed. R. Civ. P. 4(m) (authorizing dismissal of action  
2 without prejudice where plaintiff does not show good cause for a  
3 failure to serve the summons and complaint within 120 days after the  
4 filing of the complaint).

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6 RECOMMENDATION

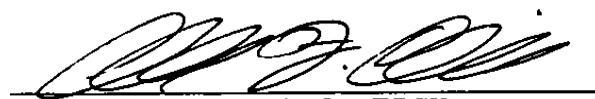
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8 For all of the foregoing reasons, IT IS RECOMMENDED that the  
9 Court issue an Order (1) approving and adopting this Report and  
10 Recommendation; and (2) directing that Judgment be entered dismissing  
11 this action without prejudice.

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13 DATED: May 2, 2003.

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16 CHARLES F. EICK  
17 UNITED STATES MAGISTRATE JUDGE  
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1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of  
3 Appeals, but may be subject to the right of any party to file  
4 objections as provided in the Local Rules Governing the Duties of  
5 Magistrate Judges and review by the District Judge whose initials  
6 appear in the docket number. No notice of appeal pursuant to the  
7 Federal Rules of Appellate Procedure should be filed until entry of  
8 the judgment of the District Court.

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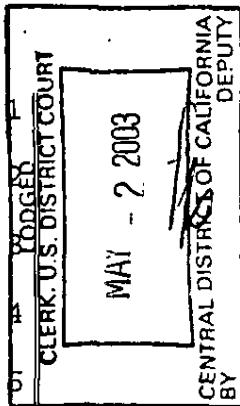
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LOUIS SCOTT, ) NO. CV 02-9324-SVW(E)  
Plaintiff, )  
v. ) ORDER ADOPTING FINDINGS,  
COUNTY OF LOS ANGELES, et al., ) CONCLUSIONS AND RECOMMENDATIONS  
Defendants. ) OF UNITED STATES MAGISTRATE JUDGE

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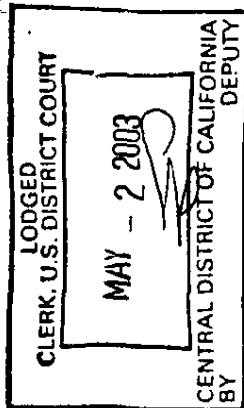
IT IS ORDERED that: (1) the Report and Recommendation of the Magistrate Judge is approved and adopted; and (2) Judgment shall be entered dismissing the action without prejudice.

IT IS FURTHER ORDERED that the Clerk serve forthwith a copy of this Order and the Judgment of this date on the Plaintiff.

DATED: \_\_\_\_\_, 2003.

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STEPHEN V. WILSON  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LOUIS SCOTT, ) NO. CV 02-9324-SVW(E)  
Plaintiff, )  
v. ) JUDGMENT  
COUNTY OF LOS ANGELES, et al., )  
Defendants. )

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IT IS ADJUDGED that the action is dismissed without  
prejudice. . . .

DATED: \_\_\_\_\_, 2003.

\_\_\_\_\_  
STEPHEN V. WILSON  
UNITED STATES DISTRICT JUDGE